

PAGE 1 OF 3  
DATE: 13 SEP 2004

RECEIVED

SEP 15 2004

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

JOINT APPLICATION OF LOUISVILLE GAS )  
AND ELECTRIC COMPANY, METRO HUMAN )  
NEEDS ALLIANCE, PEOPLE ORGANIZED AND )  
WORKING FOR ENERGY REFORM AND ) CASE 2004 - 00304  
KENTUCKY ASSOCIATION FOR COMMUNITY )  
ACTION FOR THE ESTABLISHMENT OF A )  
HOME ENERGY ASSISTANCE PROGRAM )

**RESPONSE OF ROBERT L. MADISON TO LG&E AND  
MHNA / POWER REQUEST FOR A PROTECTIVE ORDER**

THIS IS THE RESPONSE OF ROBERT L. MADISON TO THE LG&E MOTION, DATED 08 SEP 2004, AND THE MHNA / POWER MOTION, DATED 10 SEP 2004, REQUESTING A PROTECTIVE ORDER RELATED TO MY INFORMATION REQUEST, DATED 07 SEP 2004. LG&E AND MHNA / POWER REQUESTS THEY NOT BE REQUIRED TO ANSWER THE DATA REQUEST BECAUSE IN A PSC ORDER DATED 25 AUG 2004, I WAS GRANTED LIMITED INTERVENTION.

ROBERT L. MADISON MOVES THE PSC TO DENY THE MOTION OF LG&E FOR THE FOLLOWING REASONS :

1. THE PSC 25 AUG 2004 ORDER AND THE REGULATIONS, KAR 5:001(3) (8), LIST THE RESTRICTIONS ON LIMITED INTERVENTION. THE ISSUE OF A DATA REQUEST IS NOT ADDRESSED.
2. THE PSC, IN AN ORDER DATED 31 AUG 2004, ALLOWED FOR A PROCEDURAL SCHEDULE THAT INCLUDES DATA REQUESTS TO THE JOINT APPLICANTS.
3. SINCE THE ISSUE OF WHETHER A PERSON GRANTED LIMITED INTERVENTION CAN OR CAN NOT SUBMIT A DATA REQUEST IS NOT COVERED BY THE ORDER OR REGULATION, I BELIEVE THE PSC HAS DISCRETION OVER WHETHER TO ALLOW IT OR NOT. SOME OF THE QUESTIONS IN MY DATA REQUEST ARE SIMILAR TO QUESTIONS IN THE PSC DATA REQUEST DATED 07 SEP 2004.
4. THE PSC SHOULD REVIEW THE MADISON 07 SEP 2004 DATA REQUEST AND MAKE A DETERMINATION OF WHETHER THE JOINT APPLICANTS ANSWERING THESE QUESTIONS WILL ASSIST THE COMMISSION IN FULLY CONSIDERING THE ISSUES OF AN LG&E AND OR KU HEA. I FEEL THE JOINT APPLICANTS ANSWERING THE MADISON DATA REQUEST WILL ASSIST THE PSC.

PAGE 2 OF 3  
DATE: 13 SEP 2004

5. THE PSC DATA REQUEST TO THE JOINT APPLICANTS, DATED 07 SEP 2004, CONSIST OF 11 PAGES, SIMILAR IN LENGTH TO THE MADISON DATA REQUEST.

6. THE PSC ORDER, DATED 31 AUGUST 2004, INCLUDED AN OPPORTUNITY FOR A REQUEST FOR AN INFORMAL CONFERENCE OR PUBLIC HEARING. THE ANSWERING OF THE MADISON DATA REQUEST BY THE JOINT APPLICANTS WOULD :

A. ASSIST THE PSC IN AN INFORMAL CONFERENCE OR PUBLIC HEARING (IF ONE , BOTH OR EITHER TAKE PLACE) BY REDUCING THE ISSUES AND TIME FOR THIS CASE. AND

B. IN MY VIEW, INCREASE THE PRODUCTIVITY OF THE CASE.

7. THE ISSUE OF WHETHER, UNDER LIMITED INTERVENTION, THE REGULATIONS AND OR THE PSC ORDER REQUIRE THAT I NOT BE SERVED WITH DOCUMENTS SUBMITTED IN THE CASE, HAS BEEN MADE LESS RELEVANT BY THE TECHNOLOGICAL CHANGE OF THE PSC COMPUTERIZING INFORMATION. ON THE PSC WEB SITE, THEY HAVE AVAILABLE ELECTRONICALLY THE DOCUMENTS FILED IN ALL RECENT CASES. THEREFORE, ANY MEMBER OF THE PUBLIC WHO HAS INTERNET ACCESS CAN VIEW ALL THE DOCUMENTS IN THIS CASE AS SOON AS THEY ARE POSTED.

8. THE PSC DID NOT MAKE AVAILABLE THE EXHIBITS TO THE JOINT APPLICATION IN CASES 2004 - 303 & 2004 - 304 ON THE PSC ELECTRONIC SITE. I REQUEST THE PSC SCAN THOSE IN TO THE ELECTRONIC FILES SO THEY MAY BE VIEWED BY THE PUBLIC. THIS MAY ASSIST IN THE PROCESSING OF THIS CASE.

9. IN THE PSC ORDER DATED 25 AUG 2004, A REASON FOR DENYING FULL INTERVENTION AND GRANTING LIMITED INTERVENTION WAS THAT I DID NOT HAVE THE EDUCATIONAL AND PROFESSIONAL BACKGROUND TO TESTIFY AS AN EXPERT WITNESS. THE ISSUE HERE IS A DATA REQUEST, NOT EXPERT TESTIMONY.

10. IN THEIR MOTIONS FOR A PROTECTIVE ORDER, LG&E, ON PAGE 2, AND MHNA , ON PAGE 2, ARGUES THAT THE ANSWERING OF THE MADISON DATA REQUEST WILL BE BURDENSOME AND WILL COMPLICATE OR DISRUPT THE PROCEEDING. I DO NOT AGREE. SINCE SOME OF THE PSC DATA REQUESTS QUESTIONS ARE SIMILAR TO THE MADISON DATA REQUEST QUESTIONS, THE MADISON QUESTIONS CAN NOT HAVE NEGATIVE CONNOTATIONS, BASED ON THE PARTY THAT SUBMITS THEM, AND POSITIVE IMPLICATIONS, IF THE PSC FILES THEM. I FEEL THE ANSWERS TO THE QUESTIONS IN THE DATA REQUEST WILL ASSIST THE COMMISSION IN THE CASE. FOR EXAMPLE, THIS IS THE FIRST CHANCE TO ASK QUESTIONS CONCERNING THE PILOT PROGRAM FOR THE PREVIOUS LG&E HEA. IF THE MOTIONS OF LG&E AND MHNA ARE GRANTED A POSSIBLE OUTCOME WOULD BE THAT I ASK ALL THE MADISON DATA REQUEST QUESTIONS AT A HEARING, IF THERE IS A HEARING. I BELIEVE THAT WOULD BE AN INEFFICIENT USE OF

PAGE 3 OF 3  
DATE: 13 SEP 2004

THE TIME OF ALL PARTIES WHICH WOULD DELAY AN ORDERLY PROCESSING OF THIS CASE.

11. THE ANSWERING OF QUESTIONS RELATED TO ISSUES IN THIS CASE IS NOT DISRUPTIVE, BUT RATHER CLARIFIES AND REFINES THE CASE. THE JOINT APPLICANTS ARE ASKING, IN THE JOINT APPLICATION, FOR THE PSC TO APPROVE A UTILITY TARIFF TO TAKE HUNDREDS OF THOUSANDS OF DOLLARS PER YEAR FROM LG&E RESIDENTIAL CUSTOMERS TO ESTABLISH A LIKELY PERMANENT SOCIAL PROGRAM. THEY WANT A VERY FREE & UNRESTRICTED HAND IN THE DETAILS OF THIS PROGRAM. I DO NOT FEEL IT IS IN THE PUBLIC INTEREST FOR THE PSC TO APPROVE A PROGRAM WITHOUT GUIDELINES AND REQUIREMENTS ON THE DETAILS OF THE HEA.

12. MHNA DID NOT FILE A TIMELY OPPOSITION TO MY FULL INTERVENTION REQUEST IN THIS CASE.

13. IT IS LIKELY THAT LG&E AND MHNA / POWER JUST DO NOT WANT TO ANSWER THE MADISON DATA REQUEST QUESTIONS. THE ANSWERING OF THE DATA REQUEST MAY LEAD TO THE PSC APPROVING CHANGES TO THE PROGRAMMATIC DETAILS OF THE LG&E HEA, WHICH THE JOINT APPLICANTS MAY NOT SUPPORT. GENERALLY, JUSTICE IS SERVED WHEN COMPROMISE SOLUTIONS ARE ENACTED.

I CERTIFY THAT ON 13 SEP 2004, COPIES OF THIS RESPONSE OF ROBERT L. MADISON TO THE LG&E AND MHNA / POWER MOTION FOR A PROTECTIVE ORDER, WERE MAILED, REGULAR MAIL, TO ALL PARTIES OF RECORD.

SINCERELY,



ROBERT L. MADISON  
5407 BAYWOOD DRIVE  
LOUISVILLE KY 40241-1318  
HOME PHONE: (502) 241-5079

ROBERT L. MADISON  
5407 BAYWOOD DRIVE  
LOUISVILLE KY 40241-1318

BETH O' DONNELL  
PUBLIC SERVICE COMMISSION  
CASE NO. 2004-304  
211 SOWER BOULEVARD  
P.O. BOX 615  
FRANKFORT KY 40602 - 0615

RECEIVED  
SEP 15 2004  
PUBLIC SERVICE  
COMMISSION

